



MEMORANDUM

March 21, 2023

TO: Members of the Committee on Energy and Commerce

FROM: Committee Majority Staff

RE: Full Committee Markup

I. INTRODUCTION

On Thursday, March 23, 2023, at 3:00 p.m., or 30 minutes after the conclusion of the full committee hearing, whichever is later, the Committee on Energy and Commerce will meet in open markup session in 2123 Rayburn House Office Building to consider the following:

- **H.R. 1338**, the “Satellite and Telecommunications Streamlining Act”
- **H.R. 675**, the “Secure Space Act”, as forwarded by the Subcommittee on Communications and Technology on March 8, 2023
- **H.R. 1339**, the “Precision Agriculture Satellite Connectivity Act”
- **H.R. 682**, the “Launch Communications Act”, as forwarded by the Subcommittee on Communications and Technology on March 8, 2023
- **H.R. 1353**, the “Advanced, Local Emergency Response Telecommunications Parity Act”
- **H.R. 1345**, the “NTIA Policy and Cybersecurity Coordination Act”
- **H.R. 1354**, the “Information and Communication Technology Strategy Act”
- **H.R. 1370**, the “Communications Security Act”
- **H.R. 1360**, the “American Cybersecurity Literacy Act”
- **H.R. 1340**, the “Open RAN Outreach Act”
- **H.R. 1343**, the “ITS Codification Act”
- **H.R. 1377**, the “Promoting U.S. Wireless Leadership Act”
- **H.R. 1341**, the “Spectrum Coordination Act”
- **H.R. 501**, the “Block, Report, and Suspend Suspicious Shipments Act”
- **H.R. 498**, the “9-8-8 Lifeline Cybersecurity Responsibility Act”, as forwarded by the Subcommittee on Health on March 8, 2023
- **H.R. 485**, the “Protecting Health Care for All Patients Act of 2023”, as forwarded by the Subcommittee on Health on March 8, 2023
- **H.R. 467**, the “Halt All Lethal Trafficking of Fentanyl Act”, as forwarded by the Subcommittee on Health on March 8, 2023
- **H.R. 801**, the “Securing the Border for Public Health Act of 2023”
- **H.R. 1603**, the “Homeowner Energy Freedom Act”

In keeping with Chair Rodgers' announced policy, Members must submit any amendments they may have two hours before they are offered during this markup. Members may submit amendments by email to EandCdocs@mail.house.gov. Any information with respect to an amendment's parliamentary standing (e.g., its germaneness) should be submitted at this time.

II. COMMUNICATIONS AND TECHNOLOGY LEGISLATION

A. H.R. 1338, Satellite and Telecommunications Streamlining, or "SAT Streamlining" Act

The Satellite and Telecommunications Streamlining Act, or "SAT Streamlining Act," was introduced by Energy and Commerce Committee Chair Cathy McMorris Rodgers (R-WA) and Ranking Member Frank Pallone, Jr. (D-NJ) on March 3, 2023. H.R. 1338 would amend the Communications Act of 1934 to add a new section providing authority for the Federal Communications Commission (FCC) to grant licenses for geostationary (GSO) and non-geostationary (NGSO) satellite services, grants of market access for foreign-licensed GSO and NGSO satellite services, and authorizations for Earth stations (including gateway stations).

Subject to certain exceptions, the bill requires the FCC to grant or deny a request for a new application for a license, a major modification to a license, a new gateway Earth station, or individually licensed earth station within one year. The bill would require the FCC to grant or deny a request for a new application for a receive-only Earth station within 30 days.

H.R. 1338 would also provide authority for the FCC to grant modifications to, and renewals of, a license or grant of market access granted under this authority. Finally, the bill would require the FCC to issue rules within 18 months after the date of enactment to establish: 1) specific, measurable, and technology neutral performance objectives for space safety and orbital debris; 2) specific minor modifications or classes of minor modifications to NGSO and GSO systems that warrant expedited review; 3) the manner in which an applicant for certain modifications should notify the FCC of their request; 4) the manner in which grandfathered NGSO systems may request a modification; 5) specific actions that constitute a failure to coordinate in good faith; 6) a quantifiable level of protection for how NGSO systems share spectrum; 7) interim rules for grandfathered systems that clarifies the protection from interference a grandfathered NGSO system is required to provide to any other grandfathered system and that promote competition, innovation, and efficient use of spectrum by grandfathered NGSO systems; and 8) the level of reportable foreign ownership that triggers an automatic review of an NGSO, GSO, or Earth station application for national security and law enforcement concerns raised by the application.

On March 8, 2023, the Subcommittee on Communications and Technology favorably reported H.R. 1338, without amendment, to the full committee by a roll call vote of 23-0.

B. H.R. 675, Secure Space Act

H.R. 675 was introduced by Energy and Commerce Committee Ranking Member Frank Pallone, Jr. (D-NJ) and Chair Cathy McMorris Rodgers (R-WA) on January 31, 2023. The bill would amend the Secure and Trusted Communications Networks Act to prohibit the FCC from

granting a license or grant of market access for an NGSO satellite system if the system was owned or controlled by an entity, or the entity's affiliate, that provides covered communications equipment or services. Under the Secure and Trusted Communications Networks Act, covered communications equipment or services pose an unacceptable risk to national security.

On March 8, 2023, the Subcommittee on Communications and Technology favorably reported H.R. 675, as amended, to the full committee by a roll call vote of 26-0.

C. H.R. 1339, Precision Agriculture Satellite Connectivity Act

H.R. 1339 was introduced by Representatives Robert E. Latta (R-OH) and Robin Kelly (D-IL) on March 3, 2023. The bill requires the FCC to review its rules regarding certain satellite services to determine if changes to their rules would promote precision agriculture. If the FCC determines that there are rule changes that could promote precision agriculture, the FCC must develop recommendations and submit them to Congress within 15 months after enactment.

On March 8, 2023, the Subcommittee on Communications and Technology favorably reported H.R. 1339, without amendment, to the full committee by a roll call vote of 27-0.

D. H.R. 682, Launch Communications Act

H.R. 682 was introduced by Representatives Darren Soto (D-FL) and Neal Dunn (R-FL) on January 31, 2023. The bill would require the FCC to finish a proceeding to adopt service rules for access to certain frequencies for commercial space launches and commercial space reentries. The bill would also require the FCC to allocate those frequencies, some of which are currently used by Federal users, for non-Federal use on a secondary basis.

On March 8, 2023, the Subcommittee on Communications and Technology favorably reported H.R. 682, as amended, to the full committee by a roll call vote of 26-0.

E. H.R. 1353, Advanced, Local Emergency Response Telecommunications Parity or "ALERT Parity" Act

H.R. 1353 was introduced by Representatives Bill Johnson (R-OH) and Kim Schrier (D-WA) on March 3, 2023. The bill would require the FCC to issue rules within 18 months of enactment to establish an application process for entities seeking to provide wireless emergency alerts and 9-1-1 service to unserved areas. The bill would also require the FCC to establish service rules whereby providers of emergency connectivity service may seek approval to access spectrum held by a licensee, but that use of the spectrum to provide emergency connectivity service may not cause interference to a licensee that holds the license.

On March 8, 2023, the Subcommittee on Communications and Technology favorably reported H.R. 1353, without amendment, to the full committee by a roll call vote of 27-0.

F. H.R. 1345, NTIA Policy and Cybersecurity Coordination Act

H.R. 1345 was introduced by Representatives John Curtis (R-UT) and Susan Wild (D-PA) on March 3, 2023. The bill would rename the existing National Telecommunications and Information Administration (NTIA) Office of Policy Analysis and Development to the "Office of Policy Development and Cybersecurity" and codify the existing activities of the Office. In

addition to codifying the responsibilities of NTIA in administering the information sharing program established in the Secure and Trusted Communications Networks Act, the bill would assign the Office additional functions to coordinate and develop policy related to the cybersecurity of communications networks.

On March 8, 2023, the Subcommittee on Communications and Technology favorably reported H.R. 1345, without amendment, to the full committee by a roll call vote of 26-0.

G. H.R. 1354, Information and Communication Technology Strategy Act

H.R. 1354 was introduced by Representatives John Joyce (R-PA) and Randy Weber (R-TX) on March 3, 2023. The bill would direct NTIA to submit to Congress within one year a report analyzing the state of economic competitiveness of trusted vendors in the ICT supply chain, identify which components or technologies are critical or vulnerable, and identify components or technologies on which U.S. networks are dependent. Subsequent to this report, NTIA would be directed to submit a whole of government strategy to ensure the competitiveness of trusted vendors in the United States within 6 months.

On March 8, 2023, the Subcommittee on Communications and Technology favorably reported H.R. 1354, without amendment, to the full committee by a roll call vote of 28-0.

H. H.R. 1370, Communications Security Act

H.R. 1370 was introduced by Representatives Elissa Slotkin (D-MI) and Tim Walberg (R-MI) on March 3, 2023. The bill would codify the existing FCC Communications Security, Reliability, and Interoperability Advisory Council. This council provides recommendations to the Federal Communications Commission to promote the security, reliability, and resiliency of America's communications systems.

On March 8, 2023, the Subcommittee on Communications and Technology favorably reported H.R. 1370, without amendment, to the full committee by a roll call vote of 26-0.

I. H.R. 1360, American Cybersecurity Literacy Act

H.R. 1360 was introduced by Representatives Jay Obernolte (R-CA) and Anna Eshoo (D-CA) on March 3, 2023. The bill would require NTIA to develop and conduct a cybersecurity literacy campaign to educate the American people about common cybersecurity risks and best practices. This campaign is intended to focus on educating individuals rather than businesses.

On March 8, 2023, the Subcommittee on Communications and Technology favorably reported H.R. 1360, without amendment, to the full committee by a roll call vote of 26-0.

J. H.R. 1340, Open RAN Outreach Act

H.R. 1340 was introduced by Representatives Colin Allred (D-TX), Richard Hudson (R-NC), and Brett Guthrie (R-KY) on March 3, 2023. The bill would direct NTIA to conduct outreach to small communications network providers to raise awareness about Open RAN networks.

On March 8, 2023, the Subcommittee on Communications and Technology favorably reported H.R. 1340, without amendment, to the full committee by a roll call vote of 26-0.

K. H.R. 1343, Institute for Telecommunication Sciences (ITS) Codification Act

H.R. 1343 was introduced by Representatives Earl L. “Buddy” Carter (R-GA) and Brittany Pettersen (D-CO) on March 3, 2023. The bill would codify statutory authority for the Institute for Telecommunication Sciences (ITS), the research and engineering laboratory that supports NTIA’s mission to manage radio frequency spectrum. The bill also directs NTIA, acting through the head of ITS, to establish an initiative to support the development of emergency communication and tracking technologies for use in locating trapped individuals in confined spaces.

On March 8, 2023, the Subcommittee on Communications and Technology favorably reported H.R. 1343, without amendment, to the full committee by a roll call vote of 27-0.

L. H.R. 1377, Promoting U.S. Wireless Leadership Act

H.R. 1377 was introduced by Representatives Tim Walberg (MI-05), Debbie Dingell (MI-06), Bill Johnson (R-OH), and Ann McLane Kuster (D-NH) on March 3, 2023. The bill would require NTIA to encourage participation by trusted companies and trusted, relevant stakeholders in standards-setting bodies that set standards for 5G and future generation wireless networks. The bill would also direct NTIA to offer technical assistance to such trusted companies and relevant stakeholders.

On March 8, 2023, the Subcommittee on Communications and Technology favorably reported H.R. 1377, without amendment, to the full committee by a roll call vote of 28-0.

M. H.R. 1341, Spectrum Coordination Act

H.R. 1341 was introduced by Representatives Troy Balderson (R-OH) and Ann McLane Kuster (D-NH) on March 3, 2023. The bill would require the NTIA to file in the FCC’s public record when the FCC provided notice to NTIA regarding a proposed FCC spectrum action, what Federal entities might be impacted, when NTIA provided notice to those entities, and a summary of concerns of the Federal entities with the spectrum action. The bill would also require the NTIA and FCC to update their Memorandum of Understanding relating to increased coordination on spectrum management within three years after the date of enactment, and at least every four years thereafter.

On March 8, 2023, the Subcommittee on Communications and Technology favorably reported H.R. 1341, without amendment, to the full committee by a roll call vote of 26-0.

III. HEALTH LEGISLATION

A. H.R. 501, Block, Report, and Suspend Suspicious Shipments Act

This legislation would require drug manufacturers, distributors, and other DEA registrants to practice due diligence when discovering suspicious orders of controlled substances. Specifically, these DEA registrants would be required to report and decline to fill these orders of all controlled substances. Additionally, the bill would require the DEA to go through rulemaking

to specify the indicators that give rise to suspicious orders and the likelihood of diversion if an order is filled.

On Wednesday, March 8, the Subcommittee on Health forwarded the bill to the full committee, without amendment, by a roll call vote of 28-0.

B. H.R. 498, 9-8-8 Lifeline Cybersecurity Responsibility Act

This legislation would require internal coordination within HHS to protect the 9-8-8 lifeline from cybersecurity incidents. Additionally, the bill would require the 9-8-8 network administrator to report potential cybersecurity threats to SAMHSA immediately upon their discovery. The bill would also require the Comptroller General to conduct a study to evaluate cybersecurity risks and vulnerabilities associated with the 9-8-8 lifeline.

On Wednesday, March 8, the Subcommittee on Health forwarded the bill to the full committee, as amended, by a roll call vote of 27-0. The Subcommittee adopted an amendment in the nature of a substitute offered by Rep. Obernolte.

C. H.R. 485, Protecting Health Care for All Patients Act of 2023

This legislation would prohibit all federal health care programs, including the Federal Employees Health Benefits Program, and federally funded state health care programs (e.g., Medicaid) from using prices that are based on quality-adjusted life years, or other similar measures that discount the value of a life based on disability, to determine relevant thresholds for coverage, reimbursements, or incentive programs.

On Wednesday, March 8, the Subcommittee on Health forwarded the bill to the full committee, as amended, by voice vote. The Subcommittee adopted an amendment in the nature of a substitute, offered by Rep. Rodgers.

D. H.R. 467, Halt All Lethal Trafficking of Fentanyl Act

This legislation would place fentanyl-related substances (FRS) permanently into Schedule I of the Controlled Substances Act. The bill would also simplify the registration processes for certain research with Schedule I substances.

On Wednesday, March 8, the Subcommittee on Health forwarded the bill to the full committee, as amended, by a roll call vote of 17-10. The Subcommittee adopted an amendment offered by Rep. Griffith.

E. H.R. 801, Securing the Border for Public Health Act of 2023

This legislation would amend the Public Health Service Act to expand Title 42 (42 U.S.C 265) authority and allow the HHS Secretary, after consultation with the Attorney General, to

suspend persons and imports related to certain controlled substances from certain designated foreign countries into the United States. This would include certain narcotic drugs, opiates, opium derivatives, stimulants, and fentanyl-related substances.

On Wednesday, March 8, the Subcommittee on Health forwarded the bill to the full committee, without amendment, by a roll call vote of 17-12.

IV. ENERGY LEGISLATION

A. H.R. 1603, Homeowner Energy Freedom Act

This legislation would repeal the following sections from the Inflation Reduction Act: sections 50122 (high-efficiency electric home rebate program), 50123 (home energy efficiency contractor training grants), and 50131 (relating to assistance for zero building energy code adoption). The legislation also would rescind the unobligated balances of any amounts made available under sections 50122, 50123, and 50131. These programs from the partisan IRA all carry the underlying intent of facilitating the banning or discontinuation of the use of natural gas in Americans' homes.

V. STAFF CONTACTS

If you have any questions regarding Communications and Technology legislation, please contact Kate O'Connor of the Committee Staff. If you have any questions regarding Health legislation, please contact Grace Graham of the Committee Staff. If you have any questions regarding the Energy legislation, please contact Mary Martin of the Committee Staff. Committee Staff may be contacted at (202) 225-3641.